

Fairfax County Small Business Commission
Small Business, Legislative and Policy News
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OSHA Rules Require More Protection from Crystalline Silica

On June 23, 2016, the Occupational Safety and Health Administration (OSHA) implemented new regulations limiting exposure to Crystalline Silica (CS). CS is a material commonly found in concrete and stone, and exposure to respirable CS is a contributing factor to many diseases, including lung cancer and silicosis.

The new permissible exposure level (PEL) for CS is 50 micrograms per cubic meter of air, averaged over an eight hour shift. Workers who drill, crush, or grind CS containing materials are the most vulnerable to exposure, including nearly 2.3 million workers in construction and other industries nationally. New requirements to promote worker safety include: engineering quality controls to reduce exposure, provision of respirators, training on how to limit exposure and medical exams for highly exposed employees or contractors.

Small businesses may have difficulty complying with these new requirements, due to the costs of the additional services and equipment. The largest changes will be felt in businesses involved in construction or fracking operations. However, the rules will be implemented over the next several years, depending on the industry, giving significant flexibility in how compliance is achieved. In addition, OSHA has established programs to aid small business owners in their compliance with the new regulations, which will help ease the transition for small businesses.

For more information see:
<https://www.osha.gov/silica/>

Final Persuader Rule Alters Advice Exemption

On March 24, 2016 the Department of Labor (DOL) issued its Final Persuader Rule (FPR), with the goal of giving employees a better understanding on their information sources by requiring greater transparency from the employer on the use of labor experts (consultants). Employers now must report their consultant's work and involvement even if the consultant does not interact with employees face to face. Under prior rules' interpretation, many such activities went unreported, leaving employees unable to ascertain the source of their information.

The FPR was originally proposed almost five years ago, and was adopted with amendments for greater transparency. In addition to the rule changes, reports will now be filed electronically further aiding transparency. This will help facilitate communication between employees and small business owners, helping them to avoid issues related to collective bargaining.

The effect of this rule will vary depending on the business and its use of consultants. The rule limits the anonymity of consultants employed to alter the employees' opinions during negotiations. Finally, FPR will better inform the employees on the source, subject, and involvement of consultants at their workplace.

For more information please visit:
<https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-06296>

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